

AN ORDINANCE AMENDING SECTION 16-90(b) AND 16-90(e) OF THE CODE OF ORDINANCES AND CREATING SUB-SECTION 16-90(j) RELATED TO PREPARATION OF STORMWATER POLLUTION PREVENTION PROGRAMS.

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BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE  
URBAN COUNTY GOVERNMENT:

Section 1 – That Section 16-90(b) of the Code of Ordinances be and  
hereby is amended to read as follows:

(b) Except for industrial facilities that meet the requirements for a conditional exclusion under 40 CFR 122.26(g), the owner, operator, or manager of a industrial facility that is not required to hold a KPDES permit for stormwater discharges shall develop and submit a SWPPP and submit an electronic copy to the division of water quality by January 31 of each year thereafter. When no changes have been made to a SWPPP previously submitted in compliance with this section, only written notice so advising the division of water quality shall be submitted by January 31 each year thereafter. The SWPPP shall be prepared taking into account guidance documents from the U.S. EPA and the Kentucky Division of Water and shall contain the following:

- (1) Facility description and SWPPP contact information.
- (2) Site and activity description, including a site map.
- (3) Identification of potential stormwater pollution sources.
- (4) Description of controls to reduce pollution (structural and non-structural BMPs).
- (5) Maintenance/inspection procedures.
- (6) Records of inspections and follow-up maintenance of BMPs.
- (7) Schedule and procedures for monitoring.
- (8) Certification by the owner, operator, or manager that no illicit discharges exist.
- (9) SWPPP certification statement.
- (10) Description of any changes made since the previous SWPPP was submitted.

Section 2 – That Section 16-90(e) of the Code of Ordinances be and  
hereby is amended to read as follows:

(e) The owner, operator, or manager of a high risk commercial facility shall develop and submit a SWPPP within ninety (90) days of notification by the division of water quality and submit an updated electronic copy to the division of water quality by January 31 of each year thereafter. The SWPPP shall be prepared based on guidance documents from the U.S. EPA and the Kentucky Division of Water and shall contain the following:

- (1) Facility description and SWPPP contact information.
- (2) Site and activity description, including a site map.
- (3) Identification of potential stormwater pollution sources.
- (4) Description of controls to reduce pollution (structural and non-structural BMPs).
- (5) Maintenance/inspection procedures.
- (6) Records of inspections and follow-up maintenance of BMPs.
- (7) Schedule and procedures for monitoring.

- (8) Certification by the owner, operator, or manager that no illicit discharges exist.
- (9) SWPPP certification statement.
- (10) Description of any changes made since the previous SWPPP was submitted.

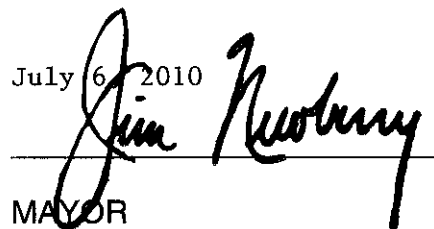
Section 3 – That Section 16-90(j) of the Code of Ordinances be and hereby is created to read as follows:

(j) SWPPPs shall be prepared by persons knowledgeable about stormwater runoff and water quality. Any Best Management Practices included in the SWPPP which require engineering design as defined in KRS 322.010 shall be designed by a professional engineer licensed to practice in Kentucky. The Director of the Division of Water Quality shall have the authority to require that plans be prepared by qualified professionals licensed to practice in Kentucky, such as a professional engineer or professional geologist, when deemed necessary by the Director to protect the health, safety, and welfare of the public. The following certification shall be signed by a responsible corporate officer. For purposes of this section, corporate officer shall mean the (1) president, secretary, treasurer, or vice-president of the corporation or (2) the manager of the facility.

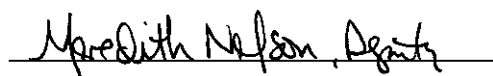
*I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.*

Section 4 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 6, 2010

  
MAYOR

ATTEST:

  
CLERK OF URBAN COUNTY COUNCIL

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: July 15, 2010-lt